

Advocates for Workplace Fairness

September 6, 2022

**Via ECF:**

The Honorable Judith C. McCarthy  
United States Magistrate Judge  
Southern District of New York  
300 Quarrapas St.  
White Plains, New York 10601-4150

Memo Endorsed. *See page 2.*

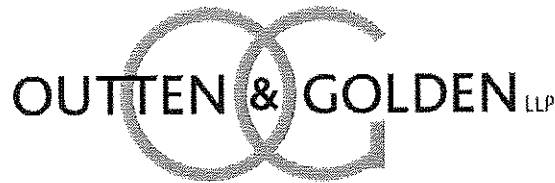
**Re: *Dail Moses-Taylor v. Greyston Foundation, Inc.*, Case No. 1:21-cv-06756**

Dear Judge McCarthy:

We represent Plaintiff Dail Moses-Taylor in the above-referenced matter. Pursuant to Rule I(A) of Your Honor's Individual Rules, we write to alert the Court of Defendant's ongoing failure to comply with its Court-ordered discovery obligations and request that the Court order Defendant *for a third time* to comply with its discovery obligations.

As you know, Your Honor held a status conference on August 24, 2022 where the Court ordered Defendant to serve its Responses and Objections to Plaintiff's Discovery Requests and corresponding document production by September 2, 2022 (*see* Minute Entry for Status Conference). By way of background, these were initially due on May 27, 2022, over three months ago. Defendant's consistent unresponsiveness since that date has twice forced Plaintiff to seek Court intervention. First, Plaintiff requested that the Court endorse her amended Case Management Plan, which she filed due to Defendant's failure to comply with the deadlines in the original Case Management Plan. (ECF No. 19). When Defendant failed to comply with the new deadlines, Plaintiff again was forced to request Court intervention on August 3, 2022 (ECF No. 25). On August 5, 2022, Your Honor directed Defendant to respond to Plaintiff's discovery requests by August 12, 2022. (ECF No. 27). Defendant failed to do so. Then, despite the Court's statements at the August 24 conference and subsequent Minute Entry ordering Defendant to produce responses to Plaintiff's interrogatories and document requests by September 2, 2022, Defendant *again* failed to do so.

Plaintiff contacted Defendant's counsel on September 6, who stated he believed the deadline was September 9, and requested an extension. Under normal circumstances, Plaintiff would generally grant such a request as a professional courtesy. However, given the history of Defendant's non-compliance with its discovery obligations and blatant disregard for the Court's discovery deadlines, we do not have faith that Defendant will honor the requested extended deadline to serve its discovery responses and make a meaningful document production.



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At this time, Plaintiff's counsel has undertaken significant efforts since May 27, 2022 merely seeking a response from Defendant to ensure that discovery proceeds in this matter. Defendant's non-responsiveness is highly prejudicial to Plaintiff, who has waited patiently for months for her matter to move forward. Therefore, Plaintiff writes to respectfully ask the Court to order Defendant *for a third time* to comply with this obligation. We appreciate the Court's prompt attention to this matter.

Respectfully submitted,

Tammy T. Marzigliano  
Outten & Golden LLP  
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New York, NY 10017  
*Counsel for the Plaintiff*

cc: All Parties (via ECF)

**SO ORDERED:**

Application granted. The Court cannot countenance Defendant's repeated failure to comply with this Court's orders to respond to Plaintiff's interrogatories and document requests. Thus, Defendant must respond to these discovery requests forthwith. Defendant is further directed to show cause by September 16, 2022 why sanctions should not be imposed.

9-8-22  
JUDITH C. MCCARTHY  
United States Magistrate Judge